

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the March 30th , 2006

Criminal Misc. Bail Application No. 171 of 2006

Order on the bail application of the accused.

CRIMINAL SIDE

Devash Kumar S/o Dheer Singh

R/o Village & P.S. Kakroly

Tehsil Bhokerheri

District Muzzafar Nagar

....Applicant

Versus

State of Uttaranchal

....Opposite Party

Arising out of case crime No. 157 of 2005

Under Section 392, 411 IPC

Police Station – Ranipur

District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Sanjeev Singh learned counsel for the applicant and Sri Amit Bhatt learned A.G.A. for the State.

Perused the record. The applicant-accused is involved in a bank dacoity case. It is also pertinent to mention here that the involvement of co-accused, namely Vipul, Amit & Sachin came into light on 29.8.2005. Thereafter, the co-accused were arrested and the name of the applicant was disclosed by Vipul. Co-accused Vipul has stated before the police that the present applicant was standing outside the bank at the time of commission of Dacoity. It has been alleged in para 7 of the counter affidavit that the applicant is not named in the FIR and the FIR was lodged against three unknown persons. The present applicant is other than these three persons. The present applicant was standing outside the bank and was assisting to the co-accused in the bank dacoity. It was contended that no identification parade of the accuse Vipul had been conducted and co-accused Vipul has already been released on bail by the Court below. It was further contended that there is no evidence against the applicant except the evidence of co-accused Vipul. It is alleged that there is a recovery of Rs. 20,000/- from possession of the present applicant. It was contended that said amount belongs to him and there is no evidence

on record connecting the recovered amount to the notes, which are the subject matter of dacoity.

It has come to my notice during hearing of the bail applications that a number of cases have been investigated by the police in which the identification parade is necessary, but the investigating agencies are not conducting the identification parade and the chargesheet are being submitted without holding identification parade. In such a case, the accused may get the benefit of such omission.

Considering the contentions, facts and totality of the circumstances of the case, the present applicant is entitled for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M. concerned.

One copy of this order may also be supplied to the Inspector General, Garhwal Zone and S.S.P., Haridwar.

(J.C.S. Rawat, J.)

Dated 30.03.2006

LSR

